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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,358

07/30/2001

Paul Dvorkis

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26161

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03/21/2003

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EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,358

Applicant(s)

DVORKIS, PAUL

Examiner

Ahshik Kim

Art Unit

2876

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/30/01 (*Initial filing of application*).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continuation Data

1. Acknowledged this application is a continuation-in-part application of U.S. Serial No.
5 09/047,011 filed on March 24, 1998, now U.S. Patent 6,382,513, which is a continuation-in-part application of U.S. Serial No. 08/912,147, filed on August 15, 1997, now U.S. Patent 5,859,417, which is continuation application of U.S. Serial No. 08/405,585, filed on March 17, 1995, now abandoned, which is a continuation-in-part application of U.S. Serial No. 08/268,982 filed on June 30, 1994, now U.S. Patent 5,742,038, which is a continuation-in-part application of U.S.
10 Serial No. 08/314,519, filed on September 28, 1994, now U.S. Patent 5,506,392, which is a divisional application of U.S. Serial No. 08/109,021, filed on August 19, 1993, now U.S. Patent 5,352,922, which is a divisional application of U.S. Serial No. 07/735,573, filed on July 25, 1991, now U.S. Patent 5,278,397.

Although Applicant may want to claim effective filing date back to July 24, 1991 of US
15 Serial No. 07/735,573 as related applications indicate, the limitation or subject matter pertaining to raster scanner is disclosed only in 09/047,011. Accordingly, the filing date of 09/047,011 would be granted as earliest effective filing date for instant application..

Claim Rejections - 35 USC § 103

20 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa
5 (US 5,288,983) in view of Batterman et al. (US 5,378,883).

Nakazawa teaches an optical scanner reading the code 18 with raster scan process (col. 2, lines 25+; see Abstract), comprising light source 2 for producing a light beam, and a raster scanning assembly (see figure 2), producing an outgoing light beam.

Nakazawa fails to specifically teach or fairly suggest of the scanning pattern produces at
10 least one region of apparent greater brightness on the indicia which is used in assisting the users in aligning the scanner to the code.

Batterman teaches an optical barcode reader reading two dimensional code (see abstract; col. 3, lines 25+) wherein the target area is illuminated with additional light source as shown in figure 4 (col. 3, lines 46+). The beam as shown in figure 4 can be considered as collection of
15 either vertical or horizontal scan lines. Obviously, the area where the beams are overlapping would have greater brightness and compared to non-overlapping area. Density of scan lines in overlapping area also would be greater in overlapping area.

In view of Batterman's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known aiming/illuminating beam to the
20 teachings of in order to guide the operators to target the reader on the code to be read. Aiming beam is well known in the art and widely used in various optical devices. Such beams also functions as additional light source improving accurate capturing of the image and decoding. Accordingly, such modification would have been an obvious extension as taught by Batterman providing improvement in alignment, and therefore an obvious expedient.

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Allowable Subject Matter

3. Claims 3-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and
5 any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a raster code scanner reading two-dimensional optical code, and in particular scanning beam creates the region of apparent greater brightness for assisting in alignment of two-dimensional scanning pattern. As found in many references provided by
10 Applicant, alignment of the reader to the target (i.e., spotter beams, cross-hair marker, and other form of mark around the target or in the viewing area of the reader) is well known in the art, and widely used in the industry. However, the cited references, taken alone or in combinations, fail to suggest or teach the scanner producing an outgoing beam wherein the scanning spot is shaped differently from the shape of other regions as set forth in the claims.

15

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Seo (US 6,039,255); Seo (US 6,033,090); Wiklof (US 5,912,452); Wevelsiep et al. (US 4,403,339); Knowles (US 5,216,232); White (US 5,949,056); Krichever et al. (US
20 5,200,599) disclose raster scanners and various alignment enhancing features.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

25 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the

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Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

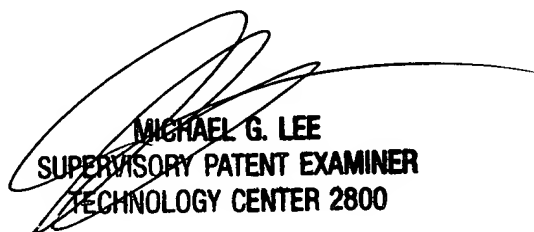
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Patent Examiner
Art Unit 2876
March 14, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800